

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ESTATE OF WILLIAM HENNEFER et  
al.,

Plaintiffs,

v.

YUBA COUNTY et al.,

Defendants.

No. 2:22-cv-00389-TLN-KJN

ORDER

On November 1, 2023, plaintiff filed a motion to compel discovery and for sanctions and set the matter for a December 5, 2023 hearing. (ECF No. 32.) Under Local Rule 251, plaintiff was required to meet and confer with defendants for purposes of preparing a joint statement on plaintiff's motion, and file that joint statement no later than fourteen days before the motion to compel hearing, i.e., by November 21, 2023. That deadline has passed, and plaintiff has not filed a joint statement.

Plaintiff argues that a joint statement is not required, as the parties filed a joint statement on September 7, 2023, prior to the parties' informal discovery conference before the undersigned. (ECF No. 34 at 1, referring to ECF No. 28.) However, plaintiff's understanding of the joint statement requirement related to a formal motion to compel is incorrect. The Local Rules' joint

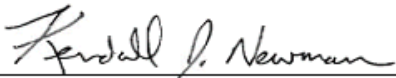
1 statement requirement related to a formal motion to compel is distinct from the undersigned's  
2 informal discovery procedures. As plaintiff filed a motion to compel and set the motion for a  
3 hearing date, plaintiff must comply with the joint statement requirement set forth in Rule 251.

4 Accordingly, the court hereby DENIES plaintiff's motion without prejudice to renewal  
5 and VACATES the December 5, 2023 hearing. See L.R. 251(a) (a motion to compel hearing may  
6 be dropped from the calendar without prejudice if the Joint Statement re Discovery Disagreement  
7 or an affidavit as set forth below is not filed at least fourteen days before the scheduled hearing  
8 date).

9 IT IS SO ORDERED.

10 Dated: November 27, 2023

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12 henn.0389

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE